

**In the United States Court of Federal Claims**  
**OFFICE OF SPECIAL MASTERS**

No.07-372V  
Filed: January 27, 2009

NOT TO BE PUBLISHED

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STEPHEN TORDAY, M.D.,	*	
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	*	
Petitioner,	*	
	*	Interim Attorney's Fees and Costs.
v.	*	
	*	
SECRETARY OF THE DEPARTMENT	*	
OF HEALTH AND HUMAN SERVICES,	*	
	*	
Respondent.	*	
	*	

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**DECISION<sup>1</sup>**

Petitioner filed a Motion for interim fees on January 8, 2009. Subsequently, a status conference was held on January 27, 2009. During the status conference the parties informed the undersigned that the parties informally resolved the interim fees issue. Specifically, respondent does not object to petitioner's request for interim fees and costs in the amount of: \$92,000.00 in attorney's fees<sup>2</sup>; \$4,000.00 in attorney's costs<sup>3</sup>; \$13,500.00 in expert fees; \$1,479.00 in expert costs; for a grand total of \$110, 979.00 in interim attorney's fees and costs.

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<sup>1</sup>The undersigned intends to post this decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, the entire decision will be available to the public. Id.

<sup>2</sup>Petitioner's counsel worked at two different firms during the representation of this case. Therefore, the breakdown of petitioner's fees of \$92,000.00 is: \$35,740.00 while at McQueen & Ashman and \$56,260.00 while at Broker & Associates.

<sup>3</sup>The breakdown for petitioner's counsel's cost of \$4,000.00 is: \$2,305.69 while at McQueen & Ashman; \$1,694.31 while at Broker & Associates.

After considering the request, the court finds that an award in the amount of **\$110, 979.00** in interim attorney's fees and costs to be reasonable. The court thanks the parties for their cooperative efforts in resolving this matter.

Accordingly, pursuant to Vaccine Rule 13, petitioners are hereby awarded a **total of \$110, 979.00 in interim attorney's fees and costs**. The judgment shall reflect that petitioner is awarded \$110, 979.00 for his counsel's fees and costs in a check made payable jointly to petitioner and petitioner's counsel. The Clerk is directed to enter judgment according to this decision.<sup>4</sup>

**IT IS SO ORDERED.**

s/ Gary J. Golkiewicz  
Gary J. Golkiewicz  
Chief Special Master

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<sup>4</sup> Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.